

1 AN ACT relating to audiology and speech-language pathology.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 334A IS CREATED TO
4 READ AS FOLLOWS:

5 **SECTION 1: PURPOSE**

6 *The purpose of this Compact is to facilitate interstate practice of audiology and speech-*
7 *language pathology with the goal of improving public access to audiology and speech-*
8 *language pathology services. The practice of audiology and speech-language pathology*
9 *occurs in the state where the patient/client/student is located at the time of the*
10 *patient/client/student encounter. The Compact preserves the regulatory authority of*
11 *states to protect public health and safety through the current system of state licensure.*
12 *This Compact is designed to achieve the following objectives:*

- 13 *1. Increase public access to audiology and speech-language pathology services*
14 *by providing for the mutual recognition of other member state licenses;*
- 15 *2. Enhance the states' ability to protect the public's health and safety;*
- 16 *3. Encourage the cooperation of member states in regulating multistate*
17 *audiology and speech-language pathology practice;*
- 18 *4. Support spouses of relocating active duty military personnel;*
- 19 *5. Enhance the exchange of licensure, investigative and disciplinary*
20 *information between member states;*
- 21 *6. Allow a remote state to hold a provider of services with a compact privilege*
22 *in that state accountable to that state's practice standards; and*
- 23 *7. Allow for the use of telehealth technology to facilitate increased access to*
24 *audiology and speech-language pathology services.*

25 **SECTION 2: DEFINITIONS**

26 *As used in this Compact, and except as otherwise provided, the following definitions*
27 *shall apply:*

- 1 A. "Active duty military" means full-time duty status in the active uniformed service
2 of the United States, including members of the National Guard and Reserve on
3 active duty orders pursuant to 10 U.S.C. secs. 1209 and 1211;
- 4 B. "Adverse action" means any administrative, civil, equitable or criminal action
5 permitted by a state's laws which is imposed by a licensing board or other
6 authority against an audiologist or speech-language pathologist, including
7 actions against an individual's license or privilege to practice such as revocation,
8 suspension, probation, monitoring of the licensee, or restriction on the licensee's
9 practice.
- 10 C. "Alternative program" means a non-disciplinary monitoring process approved by
11 an audiology or speech-language pathology licensing board to address impaired
12 practitioners.
- 13 D. "Audiologist" means an individual who is licensed by a state to practice
14 audiology.
- 15 E. "Audiology" means the care and services provided by a licensed audiologist as
16 set forth in the member state's statutes and rules.
- 17 F. "Audiology and Speech-Language Pathology Compact Commission" or
18 "Commission" means the national administrative body whose membership
19 consists of all states that have enacted the Compact.
- 20 G. "Audiology and speech-language pathology licensing board," "audiology
21 licensing board," "speech-language pathology licensing board," or "licensing
22 board" means the agency of a state that is responsible for the licensing and
23 regulation of audiologists and/or speech-language pathologists.
- 24 H. "Compact privilege" means the authorization granted by a remote state to allow
25 a licensee from another member state to practice as an audiologist or speech-
26 language pathologist in the remote state under its laws and rules. The practice of
27 audiology or speech-language pathology occurs in the member state where the

- 1 patient/client/student is located at the time of the patient/client/student encounter.
- 2 I. "Current significant investigative information" means investigative information
3 that a licensing board, after an inquiry or investigation that includes notification
4 and an opportunity for the audiologist or speech-language pathologist to respond,
5 if required by state law, has reason to believe is not groundless and, if proved
6 true, would indicate more than a minor infraction.
- 7 J. "Data system" means a repository of information about licensees, including, but
8 not limited to, continuing education, examination, licensure, investigative,
9 compact privilege and adverse action.
- 10 K. "Encumbered license" means a license in which an adverse action restricts the
11 practice of audiology or speech-language pathology by the licensee and said
12 adverse action has been reported to the National Practitioners Data Bank
13 (NPDB).
- 14 L. "Executive Committee" means a group of directors elected or appointed to act on
15 behalf of, and within the powers granted to them by, the Commission.
- 16 M. "Home state" means the member state that is the licensee's primary state of
17 residence.
- 18 N. "Impaired practitioner" means individuals whose professional practice is adversely
19 affected by substance abuse, addiction, or other health-related conditions.
- 20 O. "Licensee" means an individual who currently holds an authorization from the
21 state licensing board to practice as an audiologist or speech-language
22 pathologist.
- 23 P. "Member state" means a state that has enacted the Compact.
- 24 Q. "Privilege to practice" means a legal authorization permitting the practice of
25 audiology or speech-language pathology in a remote state.
- 26 R. "Remote state" means a member state other than the home state where a licensee
27 is exercising or seeking to exercise the compact privilege.

1 S. "Rule" means a regulation, principle or directive promulgated by the
2 Commission that has the force of law.

3 T. "Single-state license" means an audiology or speech-language pathology license
4 issued by a member state that authorizes practice only within the issuing state
5 and does not include a privilege to practice in any other member state.

6 U. "Speech-language pathologist" means an individual who is licensed by a state to
7 practice speech-language pathology.

8 V. "Speech-language pathology means the care and services provided by a licensed
9 speech-language pathologist as set forth in the member state's statutes and rules.

10 W. "State" means any state, commonwealth, district or territory of the United States
11 of America that regulates the practice of audiology and speech-language
12 pathology.

13 X. "State practice laws" means a member state's laws, rules and regulations that
14 govern the practice of audiology or speech-language pathology, define the scope
15 of audiology or speech-language pathology practice, and create the methods and
16 grounds for imposing discipline.

17 Y. "Telehealth" means the application of telecommunication technologies that
18 meets the applicable standard of care to deliver audiology or speech-language
19 pathology services at a distance for assessment, intervention and/or consultation.

20 **SECTION 3: STATE PARTICIPATION IN THE COMPACT**

21 A. A license issued to an audiologist or speech-language pathologist by a home state
22 to a resident in that state shall be recognized by each member state as authorizing
23 an audiologist or speech-language pathologist to practice audiology or speech-
24 language pathology, under a privilege to practice, in each member state.

25 B. A state must implement or utilize procedures for considering the criminal history
26 records of applicants for initial privilege to practice. These procedures shall
27 include the submission of fingerprints or other biometric-based information by

1 applicants for the purpose of obtaining an applicant's criminal history record
2 information from the Federal Bureau of Investigation and the agency responsible
3 for retaining that state's criminal records.

4 1. A member state must fully implement a criminal background check
5 requirement, within a time frame established by rule, by receiving the
6 results of the Federal Bureau of Investigation record search on criminal
7 background checks and use the results in making licensure decisions.

8 2. Communication between a member state, the Commission and among
9 member states regarding the verification of eligibility for licensure through
10 the Compact shall not include any information received from the Federal
11 Bureau of Investigation relating to a federal criminal records check
12 performed by a member state under Public Law 92-544.

13 C. Upon application for a privilege to practice, the licensing board in the issuing
14 remote state shall ascertain, through the data system, whether the applicant has
15 ever held, or is the holder of, a license issued by any other state, whether there
16 are any encumbrances on any license or privilege to practice held by the
17 applicant, whether any adverse action has been taken against any license or
18 privilege to practice held by the applicant.

19 D. Each member state shall require an applicant to obtain or retain a license in the
20 home state and meet the home state's qualifications for licensure or renewal of
21 licensure, as well as, all other applicable state laws.

22 E. For an audiologist:

23 1. Must meet one (1) of the following educational requirements:

24 a. On or before, December 31, 2007, has graduated with a master's
25 degree or doctorate in audiology, or equivalent degree regardless of
26 degree name, from a program that is accredited by an accrediting
27 agency recognized by the Council for Higher Education Accreditation,

1 or its successor, or by the United States Department of Education and
2 operated by a college or university accredited by a regional or national
3 accrediting organization recognized by the board;

4 b. On or after, January 1, 2008, has graduated with a Doctoral degree in
5 audiology, or equivalent degree, regardless of degree name, from a
6 program that is accredited by an accrediting agency recognized by the
7 Council for Higher Education Accreditation, or its successor, or by
8 the United States Department of Education and operated by a college
9 or university accredited by a regional or national accrediting
10 organization recognized by the board; or

11 c. Has graduated from an audiology program that is housed in an
12 institution of higher education outside of the United States (a) for
13 which the program and institution have been approved by the
14 authorized accrediting body in the applicable country and (b) the
15 degree program has been verified by an independent credentials
16 review agency to be comparable to a state licensing board-approved
17 program;

18 2. Has completed a supervised clinical practicum experience from an
19 accredited educational institution or its cooperating programs as required
20 by the Commission;

21 3. Has successfully passed a national examination approved by the
22 Commission;

23 4. Holds an active, unencumbered license;

24 5. Has not been convicted or found guilty, and has not entered into an agreed
25 disposition, of a felony related to the practice of audiology, under applicable
26 state or federal criminal law; and

27 6. Has a valid United States Social Security or National Practitioner

1 Identification number.

2 F. For a speech-language pathologist:

3 1. Must meet one (1) of the following educational requirements:

4 a. Has graduated with a master's degree from a speech-language
5 pathology program that is accredited by an organization recognized by
6 the United States Department of Education and operated by a college
7 or university accredited by a regional or national accrediting
8 organization recognized by the board; or

9 b. Has graduated from a speech-language pathology program that is
10 housed in an institution of higher education outside of the United
11 States (a) for which the program and institution have been approved
12 by the authorized accrediting body in the applicable country and (b)
13 the degree program has been verified by an independent credentials
14 review agency to be comparable to a state licensing board-approved
15 program;

16 2. Has completed a supervised clinical practicum experience from an
17 educational institution or its cooperating programs as required by the
18 Commission;

19 3. Has completed a supervised postgraduate professional experience as
20 required by the Commission;

21 4. Has successfully passed a national examination approved by the
22 Commission;

23 5. Holds an active, unencumbered license;

24 6. Has not been convicted or found guilty, and has not entered into an agreed
25 disposition, of a felony related to the practice of speech-language pathology,
26 under applicable state or federal criminal law; and

27 7. Has a valid United States Social Security or National Practitioner

1 Identification number.

2 G. The privilege to practice is derived from the home state license.

3 H. An audiologist or speech-language pathologist practicing in a member state must
4 comply with the state practice laws of the state in which the client is located at the
5 time service is provided. The practice of audiology and speech-language
6 pathology shall include all audiology and speech-language pathology practice as
7 defined by the state practice laws of the member state in which the client is
8 located. The practice of audiology and speech-language pathology in a member
9 state under a privilege to practice shall subject an audiologist or speech-language
10 pathologist to the jurisdiction of the licensing board, the courts and the laws of
11 the member state in which the client is located at the time service is provided.

12 I. Individuals not residing in a member state shall continue to be able to apply for a
13 member state's single-state license as provided under the laws of each member
14 state. However, the single-state license granted to these individuals shall not be
15 recognized as granting the privilege to practice audiology or speech-language
16 pathology in any other member state. Nothing in this Compact shall affect the
17 requirements established by a member state for the issuance of a single-state
18 license.

19 J. Member states may charge a fee for granting a compact privilege.

20 K. Member states must comply with the bylaws and rules and regulations of the
21 Commission.

22 SECTION 4: COMPACT PRIVILEGE

23 A. To exercise the compact privilege under the terms and provisions of the Compact,
24 the audiologist or speech-language pathologist shall:

25 1. Hold an active license in the home state;

26 2. Have no encumbrance on any state license;

27 3. Be eligible for a compact privilege in any member state in accordance with

1 Section 3;

2 4. Have not had any adverse action against any license or compact privilege
3 within the previous two (2) years from date of application;

4 5. Notify the Commission that the licensee is seeking the compact privilege
5 within a remote state(s);

6 6. Pay any applicable fees, including any state fee, for the compact privilege;
7 and

8 7. Report to the Commission adverse action taken by any non-member state
9 within thirty (30) days from the date the adverse action is taken.

10 B. For the purposes of the compact privilege, an audiologist or speech-language
11 pathologist shall only hold one (1) home state license at a time.

12 C. Except as provided in Section 6, if an audiologist or speech-language pathologist
13 changes primary state of residence by moving between two-member states, the
14 audiologist or speech-language pathologist must apply for licensure in the new
15 home state, and the license issued by the prior home state shall be deactivated in
16 accordance with applicable rules adopted by the Commission.

17 D. The audiologist or speech-language pathologist may apply for licensure in
18 advance of a change in primary state of residence.

19 E. A license shall not be issued by the new home state until the audiologist or
20 speech-language pathologist provides satisfactory evidence of a change in
21 primary state of residence to the new home state and satisfies all applicable
22 requirements to obtain a license from the new home state.

23 F. If an audiologist or speech-language pathologist changes primary state of
24 residence by moving from a member state to a non-member state, the license
25 issued by the prior home state shall convert to a single-state license, valid only in
26 the former home state and the privilege to practice in any member state is
27 deactivated in accordance with the rules promulgated by the Commission.

1 G. The compact privilege is valid until the expiration date of the home state license.

2 The licensee must comply with the requirements of Section 4A to maintain the
3 compact privilege in the remote state.

4 H. A licensee providing audiology or speech-language pathology services in a
5 remote state under the compact privilege shall function within the laws and
6 regulations of the remote state.

7 I. A licensee providing audiology or speech-language pathology services in a
8 remote state is subject to that state's regulatory authority. A remote state may, in
9 accordance with due process and that state's laws, remove a licensee's compact
10 privilege in the remote state for a specific period of time, impose fines, and/or
11 take any other necessary actions to protect the health and safety of its citizens.

12 J. If a home state license is encumbered, the licensee shall lose the compact
13 privilege in any remote state until the following occur:

14 1. The home state license is no longer encumbered; and

15 2. Two (2) years have elapsed from the date of the adverse action.

16 K. Once an encumbered license in the home state is restored to good standing, the
17 licensee must meet the requirements of Section 4A to obtain a compact privilege
18 in any remote state.

19 L. Once the requirements of Section 4J have been met, the licensee must meet the
20 requirements in Section 4A to obtain a compact privilege in a remote state.

21 SECTION 5: COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

22 Member states shall recognize the right of an audiologist or speech-language
23 pathologist, licensed by a home state in accordance with Section 3 and under rules
24 promulgated by the Commission, to practice audiology or speech-language pathology
25 in any member state via telehealth under a privilege to practice as provided in the
26 Compact and rules promulgated by the Commission. A licensee providing audiology or
27 speech-language pathology services in a remote state under the compact privilege shall

1 function within the laws and regulations of the state where the patient/client/student is
2 located.

3 **SECTION 6: ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES**

4 Active duty military personnel, or their spouse, shall designate a home state where the
5 individual has a current license in good standing. The individual may retain the home
6 state designation during the period the service member is on active duty. Subsequent to
7 designating a home state, the individual shall only change their home state through
8 application for licensure in the new state.

9 **SECTION 7: ADVERSE ACTIONS**

10 A. In addition to the other powers conferred by state law, a remote state shall have
11 the authority, in accordance with existing state due process law, to:

12 1. Take adverse action against an audiologist's or speech-language
13 pathologist's privilege to practice within that member state.

14 2. Issue subpoenas for both hearings and investigations that require the
15 attendance and testimony of witnesses as well as the production of evidence.
16 Subpoenas issued by a licensing board in a member state for the attendance
17 and testimony of witnesses or the production of evidence from another
18 member state shall be enforced in the latter state by any court of competent
19 jurisdiction, according to the practice and procedure of that court
20 applicable to subpoenas issued in proceedings pending before it. The
21 issuing authority shall pay any witness fees, travel expenses, mileage and
22 other fees required by the service statutes of the state in which the witnesses
23 or evidence are located.

24 3. Only the home state shall have the power to take adverse action against a
25 audiologist's or speech-language pathologist's license issued by the home
26 state.

27 B. For purposes of taking adverse action, the home state shall give the same priority

1 and effect to reported conduct received from a member state as it would if the
2 conduct had occurred within the home state. In so doing, the home state shall
3 apply its own state laws to determine appropriate action.

4 C. The home state shall complete any pending investigations of an audiologist or
5 speech-language pathologist who changes primary state of residence during the
6 course of the investigations. The home state shall also have the authority to take
7 appropriate action(s) and shall promptly report the conclusions of the
8 investigations to the administrator of the data system. The administrator of the
9 data system shall promptly notify the new home state of any adverse actions.

10 D. If otherwise permitted by state law, the member state may recover from the
11 affected audiologist or speech-language pathologist the costs of investigations
12 and disposition of cases resulting from any adverse action taken against that
13 audiologist or speech-language pathologist.

14 E. The member state may take adverse action based on the factual findings of the
15 remote state, provided that the member state follows the member state's own
16 procedures for taking the adverse action.

17 F. Joint Investigations

18 1. In addition to the authority granted to a member state by its respective
19 audiology or speech-language pathology practice act or other applicable
20 state law, any member state may participate with other member states in
21 joint investigations of licensees.

22 2. Member states shall share any investigative, litigation, or compliance
23 materials in furtherance of any joint or individual investigation initiated
24 under the Compact.

25 G. If adverse action is taken by the home state against an audiologist's or speech
26 language pathologist's license, the audiologist's or speech-language pathologist's
27 privilege to practice in all other member states shall be deactivated until all

1 encumbrances have been removed from the state license. All home state
2 disciplinary orders that impose adverse action against an audiologist's or speech
3 language pathologist's license shall include a statement that the audiologist's or
4 speech-language pathologist's privilege to practice is deactivated in all member
5 states during the pendency of the order.

6 H. If a member state takes adverse action against a licensee, it shall promptly notify
7 the administrator of the data system. The administrator of the data system shall
8 promptly notify the home state and any remote states in which the licensee has a
9 privilege to practice of any adverse actions by the home state or remote states.

10 I. Nothing in this Compact shall override a member state's decision that
11 participation in an alternative program may be used in lieu of adverse action.

12 SECTION 8: ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-
13 LANGUAGE PATHOLOGY COMPACT COMMISSION

14 A. The Compact member states hereby create and establish a joint public agency
15 known as the Audiology and Speech-Language Pathology Compact Commission:

16 1. The Commission is an instrumentality of the Compact states.

17 2. Venue is proper and judicial proceedings by or against the Commission
18 shall be brought solely and exclusively in a court of competent jurisdiction
19 where the principal office of the Commission is located. The Commission
20 may waive venue and jurisdictional defenses to the extent it adopts or
21 consents to participate in alternative dispute resolution proceedings.

22 3. Nothing in this Compact shall be construed to be a waiver of sovereign
23 immunity.

24 B. Membership, Voting and Meetings

25 1. Each member state shall have two (2) delegates selected by that member
26 state's licensing board. The delegates shall be current members of the
27 licensing board. One (1) shall be an audiologist and one (1) shall be a

1 speech-language pathologist.

2 2. An additional five (5) delegates, who are either a public member or board
3 administrator from a state licensing board, shall be chosen by the Executive
4 Committee from a pool of nominees provided by the Commission at Large.

5 3. Any delegate may be removed or suspended from office as provided by the
6 law of the state from which the delegate is appointed.

7 4. The member state board shall fill any vacancy occurring on the
8 Commission, within ninety (90) days.

9 5. Each delegate shall be entitled to one (1) vote with regard to the
10 promulgation of rules and creation of bylaws and shall otherwise have an
11 opportunity to participate in the business and affairs of the Commission.

12 6. A delegate shall vote in person or by other means as provided in the bylaws.
13 The bylaws may provide for delegates' participation in meetings by
14 telephone or other means of communication.

15 7. The Commission shall meet at least once during each calendar year.
16 Additional meetings shall be held as set forth in the bylaws.

17 C. The Commission shall have the following powers and duties:

18 1. Establish the fiscal year of the Commission;

19 2. Establish bylaws;

20 3. Establish a Code of Ethics;

21 4. Maintain its financial records in accordance with the bylaws;

22 5. Meet and take actions as are consistent with the provisions of this Compact
23 and the bylaws;

24 6. Promulgate uniform rules to facilitate and coordinate implementation and
25 administration of this Compact. The rules shall have the force and effect of
26 law and shall be binding in all member states to the extent and in the
27 manner provided for in the Compact;

- 1 7. Bring and prosecute legal proceedings or actions in the name of the
2 Commission, provided that the standing of any state audiology or speech-
3 language pathology licensing board to sue or be sued under applicable law
4 shall not be affected;
- 5 8. Purchase and maintain insurance and bonds;
- 6 9. Borrow, accept, or contract for services of personnel, including, but not
7 limited to, employees of a member state;
- 8 10. Hire employees, elect or appoint officers, fix compensation, define duties,
9 grant individuals appropriate authority to carry out the purposes of the
10 Compact, and to establish the Commission's personnel policies and
11 programs relating to conflicts of interest, qualifications of personnel, and
12 other related personnel matters;
- 13 11. Accept any and all appropriate donations and grants of money, equipment,
14 supplies, materials and services, and to receive, utilize and dispose of the
15 same; provided that at all times the Commission shall avoid any appearance
16 of impropriety and/or conflict of interest;
- 17 12. Lease, purchase, accept appropriate gifts or donations of, or otherwise to
18 own, hold, improve or use, any property, real, personal or mixed; provided
19 that at all times the Commission shall avoid any appearance of impropriety;
- 20 13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
21 dispose of any property real, personal, or mixed;
- 22 14. Establish a budget and make expenditures;
- 23 15. Borrow money;
- 24 16. Appoint committees, including standing committees composed of members,
25 and other interested persons as may be designated in this Compact and the
26 bylaws;
- 27 17. Provide and receive information from, and cooperate with, law enforcement

1 agencies;

2 18. Establish and elect an Executive Committee; and

3 19. Perform other functions as may be necessary or appropriate to achieve the
4 purposes of this Compact consistent with the state regulation of audiology
5 and speech-language pathology licensure and practice.

6 D. The Commission shall have no authority to change or modify the laws of the
7 member states which define the practice of audiology and speech-language
8 pathology in the respective states.

9 E. The Executive Committee

10 The Executive Committee shall have the power to act on behalf of the Commission,
11 within the powers of the Commission, according to the terms of this Compact:

12 1. The Executive Committee shall be composed of ten (10) members:

13 a. Seven (7) voting members who are elected by the Commission from
14 the current membership of the Commission;

15 b. Two (2) ex officios, consisting of one (1) nonvoting member from a
16 recognized national audiology professional association and one (1)
17 nonvoting member from a recognized national speech-language
18 pathology association; and

19 c. One (1) ex officio, nonvoting member from the recognized
20 membership organization of the audiology and speech-language
21 pathology licensing boards.

22 F. The ex officio members shall be selected by their respective organizations.

23 1. The Commission may remove any member of the Executive Committee as
24 provided in bylaws.

25 2. The Executive Committee shall meet at least annually.

26 3. The Executive Committee shall have the following duties and
27 responsibilities:

- a. Recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by Compact member states such as annual dues, and any commission Compact fee charged to licensees for the compact privilege;
 - b. Ensure Compact administration services are appropriately provided, contractual or otherwise;
 - c. Prepare and recommend the budget;
 - d. Maintain financial records on behalf of the Commission;
 - e. Monitor Compact compliance of member states and provide compliance reports to the Commission;
 - f. Establish additional committees as necessary; and
 - g. Other duties as provided in rules or bylaws.
 4. Meetings of the Commission or Executive Committee

All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 10.
 5. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Committee or other committees of the Commission must discuss:
 - a. Non-compliance of a member state with its obligations under the Compact;
 - b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
 - c. Current, threatened, or reasonably anticipated litigation;
 - d. Negotiation of contracts for the purchase, lease, or sale of goods,

- 1 services, or real estate;
- 2 e. Accusing any person of a crime or formally censuring any person;
- 3 f. Disclosure of trade secrets or commercial or financial information
- 4 that is privileged or confidential;
- 5 g. Disclosure of information of a personal nature where disclosure
- 6 would constitute a clearly unwarranted invasion of personal privacy;
- 7 h. Disclosure of investigative records compiled for law enforcement
- 8 purposes;
- 9 i. Disclosure of information related to any investigative reports prepared
- 10 by or on behalf of or for use of the Commission or other committee
- 11 charged with responsibility of investigation or determination of
- 12 compliance issues pursuant to the Compact; or
- 13 j. Matters specifically exempted from disclosure by federal or member
- 14 state statute.
- 15 6. If a meeting, or portion of a meeting, is closed pursuant to this provision,
- 16 the Commission's legal counsel or designee shall certify that the meeting
- 17 may be closed and shall reference each relevant exempting provision.
- 18 7. The Commission shall keep minutes that fully and clearly describe all
- 19 matters discussed in a meeting and shall provide a full and accurate
- 20 summary of actions taken, and the reasons therefor, including a description
- 21 of the views expressed. All documents considered in connection with an
- 22 action shall be identified in minutes. All minutes and documents of
- 23 meetings other than closed meetings shall be made available to members of
- 24 the public upon request at the requesting person's expense. All minutes and
- 25 documents of a closed meeting shall remain under seal, subject to release by
- 26 a majority vote of the Commission or order of a court of competent
- 27 jurisdiction.

1 8. Financing of the Commission

2 a. The Commission shall pay, or provide for the payment of, the
3 reasonable expenses of its establishment, organization, and ongoing
4 activities.

5 b. The Commission may accept any and all appropriate revenue sources,
6 donations, and grants of money, equipment, supplies, materials, and
7 services.

8 c. The Commission may levy on and collect an annual assessment from
9 each member state or impose fees on other parties to cover the cost of
10 the operations and activities of the Commission and its staff, which
11 must be in a total amount sufficient to cover its annual budget as
12 approved each year for which revenue is not provided by other
13 sources. The aggregate annual assessment amount shall be allocated
14 based upon a formula to be determined by the Commission, which
15 shall promulgate a rule binding upon all member states.

16 9. The Commission shall not incur obligations of any kind prior to securing
17 the funds adequate to meet the same; nor shall the Commission pledge the
18 credit of any of the member states, except by and with the authority of the
19 member state.

20 10. The Commission shall keep accurate accounts of all receipts and
21 disbursements. The receipts and disbursements of the Commission shall be
22 subject to the audit and accounting procedures established under its bylaws.
23 However, all receipts and disbursements of funds handled by the
24 Commission shall be audited yearly by a certified or licensed public
25 accountant, and the report of the audit shall be included in and become part
26 of the annual report of the Commission.

27 G. Qualified Immunity, Defense, and Indemnification

1 1. The members, officers, executive director, employees and representatives of
2 the Commission shall be immune from suit and liability, either personally
3 or in their official capacity, for any claim for damage to or loss of property
4 or personal injury or other civil liability caused by or arising out of any
5 actual or alleged act, error or omission that occurred, or that the person
6 against whom the claim is made had a reasonable basis for believing
7 occurred within the scope of Commission employment, duties or
8 responsibilities; provided that nothing in this paragraph shall be construed
9 to protect any person from suit and/or liability for any damage, loss, injury,
10 or liability caused by the intentional or willful or wanton misconduct of that
11 person.

12 2. The Commission shall defend any member, officer, executive director,
13 employee or representative of the Commission in any civil action seeking to
14 impose liability arising out of any actual or alleged act, error, or omission
15 that occurred within the scope of Commission employment, duties, or
16 responsibilities, or that the person against whom the claim is made had a
17 reasonable basis for believing occurred within the scope of Commission
18 employment, duties, or responsibilities; provided that nothing herein shall
19 be construed to prohibit that person from retaining his or her own counsel;
20 and provided further, that the actual or alleged act, error, or omission did
21 not result from that person's intentional or willful or wanton misconduct.

22 3. The Commission shall indemnify and hold harmless any member, officer,
23 executive director, employee, or representative of the Commission for the
24 amount of any settlement or judgment obtained against that person arising
25 out of any actual or alleged act, error or omission that occurred within the
26 scope of Commission employment, duties, or responsibilities, or that person
27 had a reasonable basis for believing occurred within the scope of

Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 9: DATA SYSTEM

A. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse actions against a license or compact privilege;

4. Non-confidential information related to alternative program participation;

5. Any denial of application for licensure, and the reason(s) for denial; and

6. Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

C. Investigative information pertaining to a licensee in any member state shall only be available to other member states.

D. The Commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.

E. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

F. Any information submitted to the data system that is subsequently required to be

1 expunged by the laws of the member state contributing the information shall be
2 removed from the data system.

3 **SECTION 10: RULEMAKING**

4 **A. The Commission shall exercise its rulemaking powers pursuant to the criteria set**
5 **forth in this Section and the rules adopted thereunder. Rules and amendments**
6 **shall become binding as of the date specified in each rule or amendment.**

7 **B. If a majority of the legislatures of the member states rejects a rule, by enactment**
8 **of a statute or resolution in the same manner used to adopt the Compact within**
9 **four (4) years of the date of adoption of the rule, the rule shall have no further**
10 **force and effect in any member state.**

11 **C. Rules or amendments to the rules shall be adopted at a regular or special meeting**
12 **of the Commission.**

13 **D. Prior to promulgation and adoption of a final rule or rules by the Commission,**
14 **and at least thirty (30) days in advance of the meeting at which the rule shall be**
15 **considered and voted upon, the Commission shall file a Notice of Proposed**
16 **Rulemaking:**

17 **1 On the website of the Commission or other publicly accessible platform;**
18 **and**

19 **2. On the website of each member state audiology or speech-language**
20 **pathology licensing board or other publicly accessible platform or the**
21 **publication in which each state would otherwise publish proposed rules.**

22 **E. The Notice of Proposed Rulemaking shall include:**

23 **1. The proposed time, date, and location of the meeting in which the rule shall**
24 **be considered and voted upon;**

25 **2. The text of the proposed rule or amendment and the reason for the**
26 **proposed rule;**

27 **3. A request for comments on the proposed rule from any interested person;**

1 and

2 4. The manner in which interested persons may submit notice to the
3 Commission of their intention to attend the public hearing and any written
4 comments.

5 F. Prior to the adoption of a proposed rule, the Commission shall allow persons to
6 submit written data, facts, opinions and arguments, which shall be made
7 available to the public.

8 G. The Commission shall grant an opportunity for a public hearing before it adopts
9 a rule or amendment if a hearing is requested by:

10 1. At least twenty-five (25) persons;

11 2. A state or federal governmental subdivision or agency; or

12 3. An association having at least twenty-five (25) members.

13 H. If a hearing is held on the proposed rule or amendment, the Commission shall
14 publish the place, time, and date of the scheduled public hearing. If the hearing
15 is held via electronic means, the Commission shall publish the mechanism for
16 access to the electronic hearing.

17 1. All persons wishing to be heard at the hearing shall notify the executive
18 director of the Commission or other designated member in writing of their
19 desire to appear and testify at the hearing not less than five (5) business
20 days before the scheduled date of the hearing.

21 2. Hearings shall be conducted in a manner providing each person who
22 wishes to comment a fair and reasonable opportunity to comment orally or
23 in writing.

24 3. All hearings shall be recorded. A copy of the recording shall be made
25 available to any person upon request and at the requesting person's
26 expense.

27 4. Nothing in this section shall be construed as requiring a separate hearing

1 on each rule. Rules may be grouped for the convenience of the Commission
2 at hearings required by this section.

3 I. Following the scheduled hearing date, or by the close of business on the
4 scheduled hearing date if the hearing was not held, the Commission shall
5 consider all written and oral comments received.

6 J. If no written notice of intent to attend the public hearing by interested parties is
7 received, the Commission may proceed with promulgation of the proposed rule
8 without a public hearing.

9 K. The Commission shall, by majority vote of all members, take final action on the
10 proposed rule and shall determine the effective date of the rule, if any, based on
11 the rulemaking record and the full text of the rule.

12 L. Upon determination that an emergency exists, the Commission may consider and
13 adopt an emergency rule without prior notice, opportunity for comment, or
14 hearing, provided that the usual rulemaking procedures provided in the Compact
15 and in this section shall be retroactively applied to the rule as soon as reasonably
16 possible, in no event later than ninety (90) days after the effective date of the rule.
17 For the purposes of this provision, an emergency rule is one that must be adopted
18 immediately in order to:

19 1. Meet an imminent threat to public health, safety, or welfare;

20 2. Prevent a loss of Commission or member state funds; or

21 3. Meet a deadline for the promulgation of an administrative rule that is
22 established by federal law or rule.

23 M. The Commission or an authorized committee of the Commission may direct
24 revisions to a previously adopted rule or amendment for purposes of correcting
25 typographical errors, errors in format, errors in consistency, or grammatical
26 errors. Public notice of any revisions shall be posted on the website of the
27 Commission. The revision shall be subject to challenge by any person for a period

1 of thirty (30) days after posting. The revision may be challenged only on grounds
2 that the revision results in a material change to a rule. A challenge shall be made
3 in writing and delivered to the chair of the Commission prior to the end of the
4 notice period. If no challenge is made, the revision shall take effect without
5 further action. If the revision is challenged, the revision may not take effect
6 without the approval of the Commission.

7 **SECTION 11: OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

8 **A. Dispute Resolution**

- 9 1. Upon request by a member state, the Commission shall attempt to resolve
10 disputes related to the Compact that arise among member states and
11 between member and non-member states.
12 2. The Commission shall promulgate a rule providing for both mediation and
13 binding dispute resolution for disputes as appropriate.

14 **B. Enforcement**

- 15 1. The Commission, in the reasonable exercise of its discretion, shall enforce
16 the provisions and rules of this Compact.
17 2. By majority vote, the Commission may initiate legal action in the United
18 States District Court for the District of Columbia or the federal district
19 where the Commission has its principal offices against a member state in
20 default to enforce compliance with the provisions of the Compact and its
21 promulgated rules and bylaws. The relief sought may include both
22 injunctive relief and damages. In the event judicial enforcement is
23 necessary, the prevailing member shall be awarded all costs of litigation,
24 including reasonable attorney's fees.
25 3. The remedies herein shall not be the exclusive remedies of the Commission.
26 The Commission may pursue any other remedies available under federal or
27 state law.

SECTION 12: DATE OF IMPLEMENTATION OF THE INTERSTATE
COMMISSION FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY
PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the 10th member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

B. Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

C. Any member state may withdraw from this Compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's audiology or speech-language pathology licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any audiology or speech-language pathology licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the member states. No amendment to this

1 Compact shall become effective and binding upon any member state until it is
2 enacted into the laws of all member states.

3 **SECTION 13: CONSTRUCTION AND SEVERABILITY**

4 This Compact shall be liberally construed so as to effectuate the purposes thereof. The
5 provisions of this Compact shall be severable and if any phrase, clause, sentence or
6 provision of this Compact is declared to be contrary to the constitution of any member
7 state or of the United States or the applicability thereof to any government, agency,
8 person or circumstance is held invalid, the validity of the remainder of this Compact
9 and the applicability thereof to any government, agency, person or circumstance shall
10 not be affected thereby. If this Compact shall be held contrary to the constitution of
11 any member state, the Compact shall remain in full force and effect as to the
12 remaining member states and in full force and effect as to the member state affected as
13 to all severable matters.

14 **SECTION 14: BINDING EFFECT OF COMPACT AND OTHER LAWS**

15 A. Nothing herein prevents the enforcement of any other law of a member state that
16 is not inconsistent with the Compact.

17 B. All laws in a member state in conflict with the Compact are superseded to the
18 extent of the conflict.

19 C. All lawful actions of the Commission, including all rules and bylaws promulgated
20 by the Commission, are binding upon the member states.

21 D. All agreements between the Commission and the member states are binding in
22 accordance with their terms.

23 E. In the event any provision of the Compact exceeds the constitutional limits
24 imposed on the legislature of any member state, the provision shall be ineffective
25 to the extent of the conflict with the constitutional provision in question in that
26 member state.

27 **SECTION 15: APPLICABILITY TO KENTUCKY STATE GOVERNMENT**

1 In order to clarify the effect of certain provisions of this Compact and to ensure that
2 the rights and responsibilities of the various branches of government are maintained,
3 the following shall be in effect in this state:

4 A. By entering into this Compact, this state authorizes the licensing board as defined
5 in Section 2.G. of this Compact and as created by KRS Chapter 334A to
6 implement the provisions of this Compact.

7 B. Notwithstanding any provision of this Compact to the contrary:

8 1. When a rule is adopted pursuant to Section 10 of this Compact, the
9 licensing board of this state as defined by Section 2.G. of this Compact shall
10 have sixty (60) days to review the rule for the purpose of filing the rule as
11 an emergency administrative regulation pursuant to KRS 13A.190 and for
12 filing the rule as an accompanying ordinary administrative regulation,
13 following the requirements of KRS Chapter 13A. Failure by the licensing
14 board of this state as defined by Section 2.G. of this Compact to promulgate
15 a rule adopted by the Audiology and Speech-Language Pathology Compact
16 Commission as an administrative regulation pursuant to KRS Chapter 13A
17 shall result in the initiation of the process for withdrawal as set forth in
18 Section 12 of this Compact. Nothing in these provisions shall negate the
19 applicability and effect of Section 10 of this Compact to this state.

20 2. If the proposed administrative regulation is found deficient and the
21 deficiency is not resolved pursuant to KRS 13A.330 or 13A.335, the
22 provisions of Section 11 of this Compact shall apply. If the procedures
23 under Section 11 of this Compact fail to resolve an issue, the provisions of
24 Section 12 of this Compact shall apply.

25 3. If the Audiology and Speech-Language Pathology Compact Commission
26 created by Section 8 of this Compact exercises its rulemaking authority in a
27 manner that is beyond the scope of the purposes of this Compact, or the

1 powers granted under this Compact, then such an action by the commission
2 shall be invalid and have no force or effect.

3 C. Section 8.F.8. of this Compact pertaining to the financing of the commission
4 shall not be interpreted to obligate the general fund of this state. Any funds used
5 to finance this Compact shall be from money collected pursuant to KRS
6 334A.120.

7 D. This Compact shall apply only to those audiologists or speech-language
8 pathologists who practice or work under a compact privilege.